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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/630,462 08/02/00 NOZAKI

M AD 6629 US N

023906 IM31/0731  
E I DU PONT DE NEMOURS AND COMPANY  
LEGAL DEPARTMENT - PATENTS  
1007 MARKET STREET  
WILMINGTON DE 19898

EXAMINER

WOODWARD, A

ART UNIT

PAPER NUMBER

1711

DATE MAILED:

07/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 4/25/01
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☐ Claim(s) 1-5 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-5 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

### DETAILED ACTION

1. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 3, the recited amounts are indefinite because the basis upon which such were determined is not set forth.

In claim 3, it is unclear if or how the language "further molding" further limits the composition of the base claim.

In claim 4, "are" is queried.

In claim 5, "output ratio" is indefinite.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,013,786 (Payne et al) and U.S. 6,211,266 (Weber et al).

Payne et al disclose a composition comprising (A) from 42 to 90% by weight of a thermoplastic polyamide, (B) from 9.5 to 55% by weight of fibrous or particulate fillers or mixtures and (C) from 0.5 to 3% by weight of a rubber impact modifier having reactive groups. It is noted that exemplary polyamides include polyamides obtained by reacting dicarboxylic acids with diamines, which correspond to applicants' preferred species (column 2, line 61 – column 2, line 11). It is also noted that the polyamides may

comprise aromatic carboxylic acids and aromatic diamines (column 2, lines 1-22). Suitable fillers include wollastonite having a mean particle size of 3.5 micron (examples). Suitable elastomers include ethylene/n-butyl acrylate/acrylic acid copolymer, which corresponds to applicants' elastomer component (examples).

In essence, the disclosure of Payne et al differs from the presently claimed invention in not expressly disclosing the length and aspect ratio of the wollastonite filler. In this regard, attention is directed to the teachings of Weber et al (column 4, lines 54-58) directed to an analogous composition. Weber et al disclose the conventionality of using wollastonite, meeting the requirements of the present claims, as filler in a polyamide-based composition. Based on said teaching, it would have been obvious to one having ordinary skill in the art to have employed applicants' wollastonite in the composition of Payne et al for its expected additive effect because it is a conventional component. Accordingly, absent evidence of unusual or unexpected results, no patentability can be seen in the presently claimed subject matter.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L Woodward whose telephone number is (703) 308-2401. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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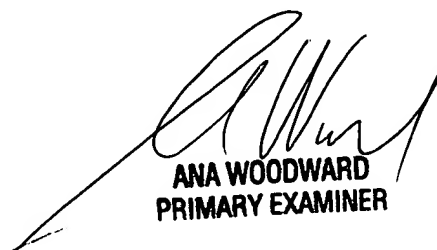
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872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

AW  
July 26, 2001



**ANA WOODWARD  
PRIMARY EXAMINER**